

February 21, 2006

116 North 2nd Street  
Bismarck, ND 58501

P.O. Box 460  
Bismarck, ND 58502-0460  
Phone (701) 258-0630  
Fax (701) 258-6498

Carol K. Larson  
Pringle & Herigstad  
P.O. Box 1000  
Minot, ND 58702-1000

Daniel S. Kuntz  
MDU Resources Group, Inc.  
P.O. Box 5650  
Bismarck, ND 58502-5650

William Binek  
Public Service Commission  
State Capitol  
Bismarck, ND 58505-0480

**Re: Capital Electric Cooperative, Inc. v. City of Bismarck, et al**

Dear Counsel:

Enclosed please find *Certification of Record on Appeal to District Court*, without attachments, in the above-referenced matter.

Very truly yours,

for Randall J. Bakke

RJB/jmh  
Enclosure  
Larson-Kuntz-Binek.1

Sheldon A. Smith\*  
Randall J. Bakke\*\*\*  
Scott K. Porsborg\*\*\*  
Suzanne M. Schweigert\*  
Shawn A. Grinolds\*\*  
Mitchell D. Armstrong\*\*  
David R. Phillips\*

\* Licensed in North Dakota

■ Licensed in Minnesota

● Licensed in South Dakota

\* Board Certified Civil Trial  
Specialist by National Board  
of Trial Advocacy



February 21, 2006

116 North 2nd Street  
Bismarck, ND 58501

P.O. Box 460  
Bismarck, ND 58502-0460  
Phone (701) 258-0630  
Fax (701) 258-6498

**HAND-DELIVERED**  
Debra Simenson  
Clerk of District Court  
Burleigh County Courthouse  
P.O. Box 1055  
Bismarck, ND 58502-1055

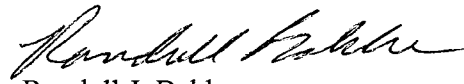
Re: Capital Electric v. City of Bismarck, et al.  
Burleigh Co. Civil No. 05-C-2303

Dear Ms. Simenson:

Enclosed please find *Certification of Record on Appeal to District Court* in the above-referenced matter.

Thank you for your assistance regarding this matter.

Very truly yours,



Randall J. Bakke

RJB:jmh  
Enclosures

pc: Carol K. Larson (w/o encl.)  
Daniel S. Kuntz (w/o encl.)  
William W. Binek (w/o encl.)  
Charles C. Whitman (w/o encl.)

Clerk.4

Sheldon A. Smith\*  
Randall J. Bakke\*\*\*  
Scott K. Porsborg\*\*\*  
Suzanne M. Schweigert\*  
Shawn A. Grinolds\*\*  
Mitchell D. Armstrong\*\*  
David R. Phillips\*

\* Licensed in North Dakota

■ Licensed in Minnesota

● Licensed in South Dakota

\* Board Certified Civil Trial  
Specialist by National Board  
of Trial Advocacy

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

CIVIL NO. 05-C-2303

Capital Electric Cooperative, Inc., )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 The City of Bismarck, North Dakota )  
 )  
 and )  
 )  
 Montana-Dakota Utilities, Inc., a Division )  
 of MDU Resources Group, Inc. )  
 )  
 and )  
 )  
 The Public Service Commission of North )  
 Dakota, )  
 )  
 Defendants. )

**CERTIFICATION OF RECORD ON  
APPEAL TO DISTRICT COURT**

\*\*\*

\*\*\*

\*\*\*

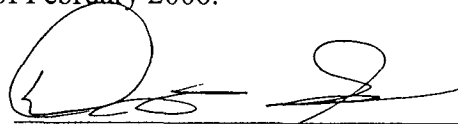
TO THE CLERK OF THE DISTRICT COURT OF BURLEIGH COUNTY IN THE SOUTH CENTRAL JUDICIAL DISTRICT OF THE STATE OF NORTH DAKOTA.

I, Dennis Schlenker, Investment/Finance Officer of the City of Bismarck, do hereby certify that I have compared the following papers and documents with the originals on file and of record in this office, and state the same to be true and correct copies of the original papers and documents and the same do constitute the full and complete record of the proceedings had and of the papers and documents filed in connection with the above entitled matter before the Board of City Commissioners of the City of Bismarck, and which record is herewith transmitted to the District Court:

COPY

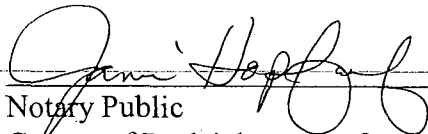
1. Petition to Declare Electric Franchise Rights (MDU)
2. Reply to Petition (CEC)
3. Minutes from September 13, 2005 City Commission Meeting
4. VHS Tape of September 13, 2005 City Commission Meeting
5. Brief and Exhibits (CEC)
6. Brief and Exhibits (MDU)
7. Minutes from October 11, 2005 City Commission Meeting
8. VHS Tape of October 11, 2005 City Commission Meeting
9. Minutes from November 14, 2005 City Commission Meeting
10. VHS Tape of November 14, 2005 City Commission Meeting
11. Findings, Conclusions, Decision and Order

IN TESTIMONY WHEREOF, I have hereunto set my hand on behalf of the City of Bismarck Board of City Commissioners this 17<sup>th</sup> day of February 2006.



Dennis Schlenker, Investment/Finance Officer  
Bismarck, North Dakota

Subscribed and sworn to before me this 17<sup>th</sup> day of February, 2006.



Notary Public  
County of Burleigh, State of North Dakota  
My commission expires:

Cert of Record

